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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOVAN CLABRON,

Petitioner,

No. 04-CV- 72187-DT

vs.

Hon. Gerald E. Rosen

JOHN CASON,

Respondent.

MEMORANDUM OPINION AND ORDER DENYING  
PETITIONER'S MOTION FOR RECONSIDERATION  
(ERRONEOUSLY CAPTIONED AS "OBJECTION TO  
MAGISTRATE'S REPORT AND RECOMMENDATION")

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on JUN 17 2005

PRESENT: Honorable Gerald E. Rosen  
United States District Judge

CLERK'S OFFICE  
DETROIT  
JUN 17 2005

On February 7, 2005, Petitioner Jovan Claybron filed what is captioned as "Petitioner's Objection to Magistrate's Report and Recommendation." This case, however, was not referred to a Magistrate Judge and no "Report and Recommendation" was ever filed by a Magistrate in this case. Rather, the Court itself entered an Opinion and Order on January 24, 2005 granting Respondent's Motion for Summary Judgment and dismissing Petitioner's habeas corpus action with prejudice. Because of the timing of the filing of Petitioner's "Objection" and because Petitioner argues in this pleading that the Court erred in deciding as it did the issues addressed in the January 24, 2005 Opinion and Order, the Court will treat Petitioner's "Objection" as a motion for reconsideration of the Opinion and

Order.

The requirements for the granting of motions for reconsideration are set forth in Eastern District of Michigan Local Rule 7.1(h), which provides in relevant part:

**(h) Motions to Alter or Amend a Judgment or for Rehearing or Reconsideration.**

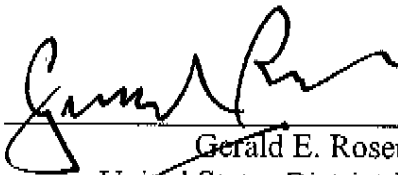
(1) *Time.* Any motion to alter or amend a judgment and any motion for rehearing or reconsideration shall be served not later than 10 days after entry of such judgment or order.

\* \* \*

(3) *Grounds.* Generally, and without restricting the discretion of the Court, motions for rehearing or reconsideration which merely present the same issues ruled upon by the Court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the Court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

The Court has reviewed Petitioner's motion for reconsideration and finds that Petitioner has merely presented issues already ruled upon by the Court in its January 24, 2005 Opinion and Order either expressly or by reasonable implication, and he has not demonstrated a palpable defect by which the Court has been misled or that a different disposition of the case must result from a correction thereof. For these reasons,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner's Motion for Reconsideration be, and hereby is, DENIED.

  
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Gerald E. Rosen  
United States District Judge